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8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Statement of Issues Case No. 2013-301
12	Against: STATEMENT OF ISSUES
13	LILIT SAHAKYAN
14	a.k.a. LILIT SAHRADYAN
15	Respondent.
16	Complainant alleges:
17	<u>PARTIES</u>
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely
19	in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20-	of Consumer Affairs.
21	2. On or about October 26, 2011, the Board of Registered Nursing (Board) received
22	an application for Licensure by Examination for a Registered Nurse License from Lilit Sahakyan
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24	a.k.a. Lilit Sahradyan (Respondent). On or about October 20, 2011, Lilit Sahakyan a.k.a. Lilit
25	Sahradyan certified under penalty of perjury to the truthfulness of all statements, answers, and
26	representations in the application. The Board denied the application on January 25, 2012.
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# **JURISDICTION**

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

### STATUTORY PROVISIONS

- 4. Section 480 states, in pertinent part:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
- "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another."
- "(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made."
  - 5. Section 490 states, in pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under

subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
- 6. Section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.
  - 7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

#### REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

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# FIRST CAUSE FOR DENIAL OF APPLICATION

# (Conviction of a Substantially Related Crime)

9. Respondent's application is subject to denial under section 2761, subdivision (f) and 480, subdivision (a)(1), in that Respondent has been convicted of a crime substantially related to the qualifications, functions, or duties of a registered nurse as follows:

# FELONY RECEIVING STOLEN PROPERTY (2007)

- a. On or about June 5, 2007, after pleading guilty, Respondent was convicted of one felony count of violating Penal Code section 496, subdivision (a) [receiving known stolen property] in the criminal proceeding entitled *People of the State of California v. Lilit Sahakyan* (Super. Ct. Los Angeles County, 2007, No. BA319985). On or about June 4, 2008, the Court ordered the information deemed amended to allege the Penal Code section 496 (a) violation as a misdemeanor, pursuant to Penal Code section 17, subdivision (b)(4). Further on that date, Respondent was placed on summary probation for 24 months probation, ordered to pay restitution, and perform 200 hours of Cal Trans service.
- b. On or about June 18, 2009, the Court terminated Respondent's probation and granted her motion, pursuant to Penal Code section 1203.4, to set aside the conviction.
- c. The circumstances surrounding the conviction are that on or about February 6, 2007, Respondent, age 21, found a large purse unattended on a sidewalk in the city of Pasadena. The purse contained a laptop computer (valued at approximately \$2,800.), the owner's CA driver's license, a cell phone and several credit cards. Security software installed on the laptop allowed Los Angeles Police Department investigators to track internet activity on the laptop. This eventually led investigators to Respondent who used the laptop in March 2007 to transmit a job resume, which included identifying information. Additionally, two of the credit cards in the purse had been used to purchase gas at stations near Respondent's residence.

# SECOND CAUSE FOR DENIAL OF APPLICATION

# (Act Involving Dishonesty, Fraud, or Deceit)

10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in that on or about February 6, 2007 and March 19, 2007, Respondent committed acts involving

dishonesty, fraud, or deceit with the intent to substantially benefit herself, or substantially injure another. Complainant refers to, and by this reference incorporates, the allegations of above paragraph 9, as though fully set forth.

# THIRD CAUSE FOR DENIAL OF APPLICATION

(Acts Warranting Denial of Licensure)

Respondent's application is subject to denial under section 480, subdivisions (a)(3)(A) 11. and (a)(3)(B), in that Respondent committed acts which if done by a licensed registered nurse would be grounds for suspension or revocation of her license. Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a licensed registered nurse which to a substantial degree evidences her present or potential unfitness to perform the functions authorized by her license in a manner consistent with the public health, safety, or welfare, in violation of section 2761, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 1444. Complainant refers to, and by this reference incorporates, the allegations of above paragraph 9 as though fully set forth.

### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- Denying the application for Licensure by Examination for a Registered Nurse License 1. from Lilit Sahakyan a.k.a. Lilit Sahradyan;
  - Taking such other and further action as deemed necessary and proper.

DATED: (16, 2012

UISE R. BAILEY, M.ED.

**Executive Officer** 

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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